

E-FILED on 2/6/2012

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MOHIT NARAYAN, HANNA RAHAWI,
THOMAS HEATH and UGO IHEONU, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

EGL, INC., a Texas Corporation; CEVA
Freight, LLC, a Delaware Corporation, and
DOES 2-10, inclusive,

Defendants.

No. C-05-04181 RMW

ORDER DENYING DEFENDANTS'
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL THE DECLARATION OF
FRASER A. McALPINE IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION AND EXHIBITS 1 AND 2
THERE TO

[Re Docket No. 200]

On January 13, 2012, defendants requested leave to file the following documents under seal pursuant to Civil Local Rules 7-11 and 79-5(d): (1) the Declaration of Fraser A. McAlpine in Support of Defendants' Opposition to Plaintiffs' Motion for Class Certification; and (2) Exhibits 1 and 2 attached thereto. Dkt. No. 200. Plaintiffs have designated the contents of Exhibits 1 and 2 as confidential, and the Declaration of Fraser A. McAlpine references documents plaintiffs have

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1 designated confidential. However, plaintiffs have not filed a declaration establishing that the
2 designated information is sealable as required by Civil Local Rule 79-5(d):

3 Within 7 days [after the submitting party has filed the motion to seal], the designating
4 party must file with the Court and serve a declaration establishing that the designated
5 information is sealable, and must lodge and serve a narrowly tailored proposed
6 sealing order, or must withdraw the designation of confidentiality. If the designating
7 party does not file its responsive declaration as required by this subsection, the
8 document or proposed filing will be made part of the public record.

9 Accordingly, defendants' request to file under seal is denied. Within four days from the date
10 of this order, defendants shall file an underacted version of the subject documents in the public
11 record. *See* Civil Local Rule 79-5(e).

12 DATED: February 6, 2012



RONALD M. WHYTE
United States District Judge